

# MEETING MINUTES

**MILPITAS PLANNING COMMISSION**  
**Milpitas City Hall, Council Chambers**  
**455 E. Calaveras Blvd., Milpitas, CA**

**Wednesday, May 24, 2017**

## I. PLEDGE OF ALLEGIANCE

**Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

## II. ROLL CALL/ SEATING OF ALTERNATE

**Present:** Chair Mandal, Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Maglalang, Mohsin, Chua

**Absent:** Morris (excused)  
Alternate Member Chua was seated for voting

**Staff:** Bradley Misner, Alison Martinez

### III. PUBLIC FORUM

**Chair Mandal** invited members of the audience to address the Commission and there were no speakers.

#### IV. APPROVAL OF MEETING MINUTES

**Chair Mandal** called for approval of the May 10, 2017 meeting minutes of the Planning Commission.

**Motion** to approve Planning Commission meeting minutes.

**Motion/Second:** Commissioner Sandhu/Commissioner Maglalang

AYES: 6

NOES: 0

ABSTAIN: 1 Madnawat

## V. ANNOUNCEMENTS

Planning Director Bradley Misner introduced Jessica Garner, the new Planning Manager in the Department of Planning and Neighborhood Services. Ms. Garner said it is a pleasure to be with the City of Milpitas and she is looking forward to working with the Planning Commission.

Mr. Misner informed the commissioners that staff is working on an order for jackets and will have an update soon on the expected arrival date.

Commissioner Maglalang suggested that commissioners contact Public Works through the MilpitasWorks email address when they have maintenance concerns, as he did for a bulb replacement request.

## VI. CONFLICT OF INTEREST

**Associate City Attorney Alison Martinez** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

**VII. APPROVAL OF  
AGENDA**

**Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.

**Motion** to approve the May 24, 2017 agenda as submitted.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 7

NOES: 0

**VIII. CONSENT  
CALENDAR**

**NO ITEMS**

**IX. PUBLIC HEARING**

**NO ITEMS**

**X. NEW BUSINESS**

**X-1 PLANNING COMMISSION BYLAWS**

Mr. Misner said this was a continued discussion from September 2016 to consider potential amendments of the Planning Commission's rules and regulations. Changes were made to the bylaws as a response to comments from the commissioners and revisions were made to clean up existing language. Staff is requesting review of the amended bylaws and approval to the city council for their review and approval.

Mr. Misner summarized some of the changes to the bylaws. An amendment tracker was added as an introductory paragraph listing the bylaws adoption and amendment dates in an effort to trace the history of the document.

The municipal code governs the commission and there were sections in the bylaws that also reside in the municipal code that were deleted because staff felt they were redundant.

The subcommittee language was edited, as there were references to subcommittees that no longer exist, and the term was extended to six months.

Commissioner Mohsin asked for the definition of an unexcused absence and noted that meeting minutes do not state if absences were excused. Mr. Misner said that if, for any reason, a commissioner is unable to attend a meeting staff asks for notice in advance, and an unexcused absence means that staff was not notified. He said an attendance record is prepared after every meeting and absences can be reflected more clearly in meeting minutes.

Commissioner Maglalang noted items that are no longer in the bylaws, including qualifications, term of office, and compensation, which he

understands is pending but believes can be included and left blank until decided by city council. He likes seeing the subcommittee rotation schedule as it helps him to be aware of what months he will be on the schedule. He said at the September 2016 meeting the commissioners agreed that meetings with developers will be held at city hall. He would like the election of Chair and Vice Chair added as an agenda item so that commissioners can voice their interest in filling those roles. He believes that Resolution 7413 regarding ethical decision making should be included in the bylaws.

Mr. Misner said that while some information was taken out of the bylaws it is not gone. Much of the language from the municipal code was included verbatim in the bylaws and staff felt it was redundant to have it in both locations. Chapter 500 of the municipal code covers the Planning Commission and several of the items listed above.

Applicants that want to talk to commissioners in advance of hearings is covered in section 6.06 ex-parte communication which states that third party contacts are discouraged and must be disclosed. A passage can be added if the commission feels it needs more clarity regarding the location of meetings, but staff believes the section deals with the issue the commission had.

If the commissions feels it is important to have the subcommittee rotation schedule in the bylaws then staff will put it back.

Per the City Clerk, Resolution 7413 was from approximately 2004 and was superseded by Resolution 7414, which established a standard operating procedure for the city which is the code of conduct for public officials. Code of Ethics and conduct is covered in Section 6.16 of the bylaws.

Commissioner Ciardella said the ongoing education of commissioners is important and he wondered if the subject should be included in the bylaws.

Mr. Misner said there was a comment from September that the commission would like to have a conversation at the beginning of each year about the commission's budget and training opportunities. He said there is room to get the majority of commissioners training throughout the year, but if airfare and hotel are included the cost will be higher.

The bylaws were very specific and referred to the League of California Cities and staff amended the text to give flexibility and open it to other training sessions that benefit the city and are related directly to planning and land use issues.

Vice Chair Madnawat does not believe the location for meetings with third party contacts is important, and does not recommend meeting with them in city hall as it would put pressure on city staff, he is unsure how meeting rooms will be reserved, and the location could be inconvenient.

Vice Chair Madnawat believes it is important that new commissioners meet

with staff to go over procedures and the planning process. He had questions about Robert's Rules of Order and if the commission follows them, and the order for voting on multiple motions on the same item.

Mr. Misner said a section can be added about new commissioner training if the commission feels strongly about it, or it can be incumbent on staff to arrange trainings and be consistent. Vice Chair Madnawat said he is comfortable with staff arranging training for new commissioners and it is unnecessary to include a new passage in the bylaws.

Ms. Martinez said Robert's Rules of Order are how the Planning Commission conducts its meetings, and state that you answer first the most recent motion made.

Vice Chair Madnawat is not in favor of copying and pasting from the municipal code to the bylaws, as it is repetitive, but believes the bylaws should include a reference to Section 500 of the municipal code. Mr. Misner said that text was added in Section 1 – Preface, and states that municipal code Section 500 governs the operation of the Planning Commission. Vice Chair Madnawat believes it would be helpful to include a footnote referencing Section 500 for more information.

Chair Mandal said he is a proponent of modular programming and believes it is unnecessary and too much maintenance to include the same information in multiple places. He believes a footnote can be helpful, and information in the municipal code can be referenced in the bylaws but not included.

Chair Mandal would like a simple spreadsheet showing which commissioners have attended trainings and the dates and locations of those trainings. He is in favor of giving preference to new commissioners for trainings, although there may be other commissioners who have not attended.

Chair Mandal said the commission's \$5,000 budget seems low and asked what the process is to increase it. Mr. Misner said the budget does not reside with the Planning Department, but in the City Managers budget, and that in relation to other commissions it is much higher. It may be possible to make a request for more money in mid-year if it is needed once staff knows what the full scope of training will be. Chair Mandal believes the commission needs to strive for a higher budget to allow for new commissioner trainings as well as refresher courses for current commissioners.

Commissioner Chua would prefer that the commission's budget be based on the assumption that each commissioner will attend a training each year instead of by a lump sum amount.

Commissioner Chua believes there should be a checklist of items on which new commissioners should be trained along with a deadline for completion. Topics should include a discussion of the General Plan, the development process, and the Brown Act.

Commissioner Mohsin would like to see Robert's Rules of Order provided for new commissioners. She also believes there should be a stipend for attending subcommittee meetings.

Commissioner Maglalang would like the commissioners' general duties emphasized in the bylaws.

Commissioner Sandhu said the alternate member was created to fill the void for absent commissioners and he believes the number of absences should be increased before being reported to the City Clerk. Chair Mandal does not see a need to be strict on the number of absences.

Chair Mandal is comfortable with staff making the necessary changes to the bylaws and forwarding them to city council, and sees no need for them to return to the commission.

Mr. Misner appreciates the commission giving staff the discretion to make changes to the bylaws. There are a lot of practical things that need to be done, and the commissioners can expect to see a list of projects, a training matrix, and other documents included with packets to keep them informed. He hears clearly the need for training new commissioners and believes it should take place within the first month of appointment. Training will include information about the Planning Department, introductions to the various plans (i.e. General Plan), Robert's Rules of Order, the zoning framework and how zoning decisions are made, the development review process, and information on subcommittee meetings.

Mr. Misner asked for clarity on whether or not the commission would like the subcommittee schedule put back into the bylaws and Chair Mandal said he did not believe that was a request.

Commissioner Sandhu believes it would be useful to include information in the bylaws regarding the subcommittee meeting schedule, similar to Section 3.01 for regular meetings. Mr. Misner will add verbiage in Section 3.01 about the subcommittee meeting schedule as well.

## **XI. ADJOURNMENT**

The meeting was adjourned at 8:30 PM.

**Motion** to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Ciardella

AYES: 7

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*